

MANDATE

SDNY-NYNY
01-cr-939
JONES

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT MOTION INFORMATION STATEMENT

Docket Number(s): 05-6325-cr (2), 06-0798-cr (com) Caption [use short title] USA v. Einhorn

Motion for: withdrawal and dismissal of appeal

Set forth below precise, complete statement of relief sought:

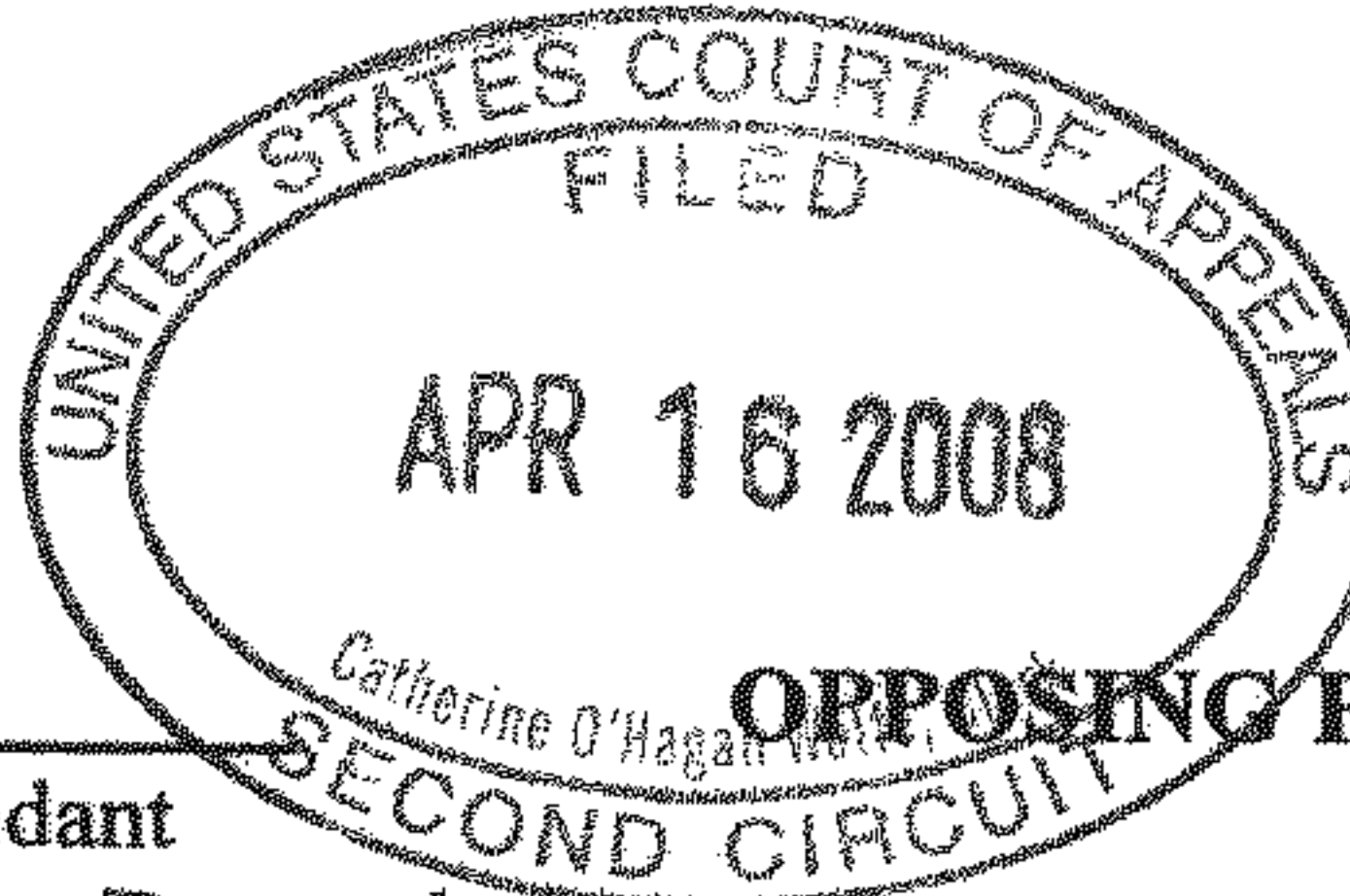
Order granting permission to withdraw appeal and dismissing appeal.

RECEIVED
2008 APR 16 AM 11:25
CLERK'S OFFICE
U.S. COURT OF APPEALS

MOVING PARTY: Victor Einhorn

☐ Plaintiff
☒ Appellant/Petitioner

☒ Defendant
☐ Appellee/Respondent



OPPOSING PARTY: United States of America

MOVING ATTORNEY:

[name of attorney, with firm, address, phone number, and email]

Jeremy Gutman
251 East 61st Street
New York, NY 10065
(212) 644-5200
jeremygutman@aol.com

OPPOSING ATTORNEY:

[name of attorney, with firm, address, phone number, and email]

Marcus Asner, Assistant United States Attorney
Southern District of New York
One Saint Andrews Plaza
New York, New York 10007
(212) 637-2483

Court-Judge/Agency appealed from: Hon. Barbara Jones, District Court, S.D.N.Y.

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has consent of opposing counsel:

A. been sought? ☐ Yes ☒ No
B. been obtained? ☐ Yes ☐ No

Has request for relief been made below? ☐ Yes ☐ No

Has this relief been previously sought in
In this Court? ☐ Yes ☐ No

Is oral argument requested? ☐ Yes ☒ No
(requests for oral argument will not necessarily be granted)

Requested return date and explanation of emergency:

Has argument date of appeal been set: ☒ Yes ☐ No

If yes, enter date _____

Signature of Moving Attorney:

Date: 04/15/08

Has service been effected? ☒ Yes ☐ No
[Attach proof of service]

Leave this space blank.

IT IS HEREBY ORDERED that the motion is granted

ORDER

denied.

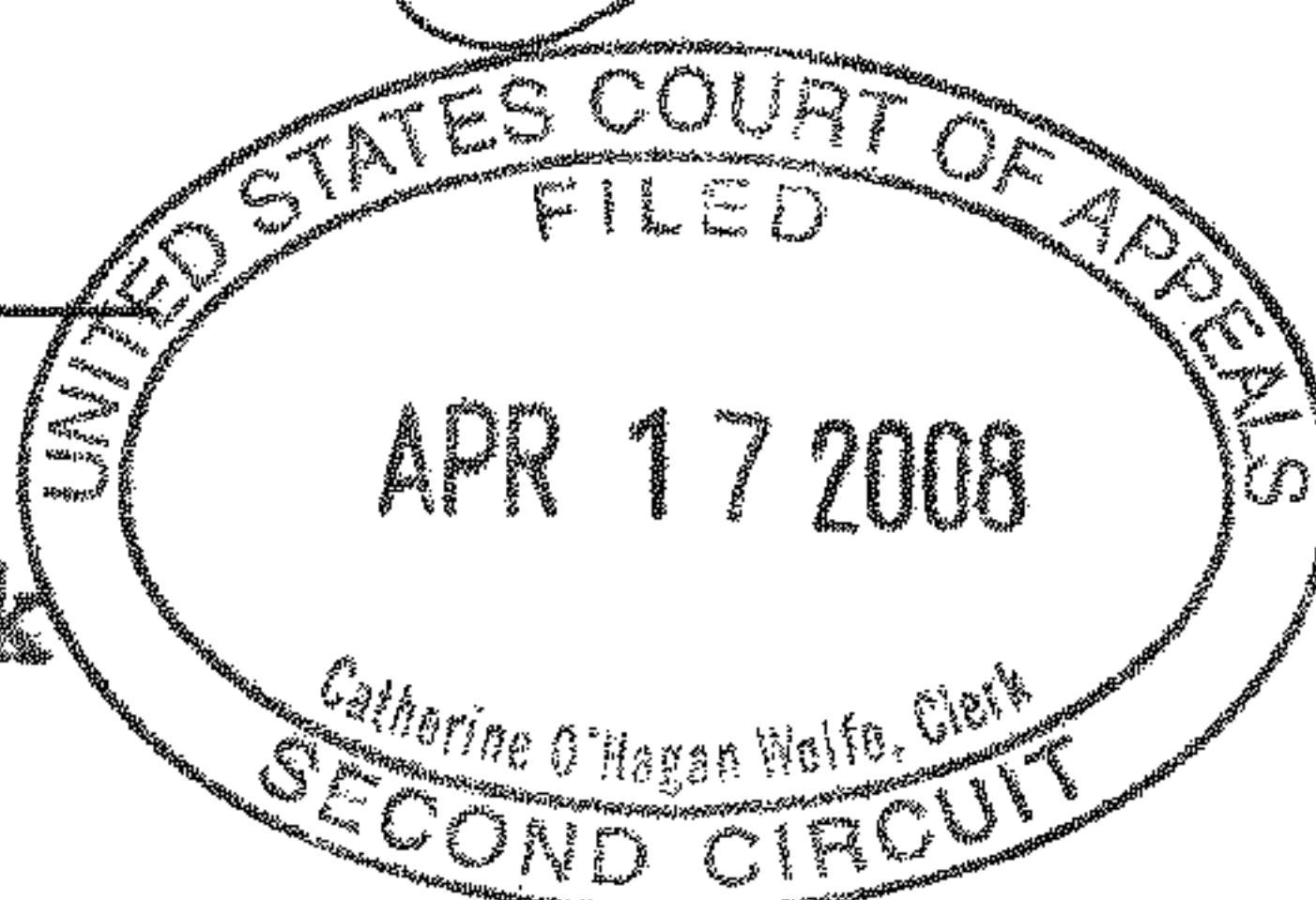
The appeal is withdrawn with prejudice.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

By: Joy Fallek
Joy Fallek, Administrative Attorney

Date: APR 17 2008



A TRUE COPY

Catherine O'Hagan Wolfe, Clerk
Form T-1080 (Revised 12/12/01)

by [Signature]
DEPUTY CLERK

ISSUED AS MANDATE:

5/8/08